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UNCLAS KIEV 000341

SIPDIS

SENSITIVE

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FRANKFURT FOR RIMC AND FRDCD

E.O. 12958: N/A

TAGS: AMGT ADPM ADCO PREL KREC ASEC KRIM UP

SUBJECT: UKRAINE: BILATERAL COORDINATION GROUP TALKS:
DIPLOMATIC POUCH PROBLEMS

REF: A)05 KIEV 1746 B)05 KIEV 1451 C)05 KIEV 178 and
prior

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distribution. Please handle accordingly.

¶1. (SBU) During Bilateral Coordination Group talks
January 24, the U.S. side raised the year-long inability
of the Embassy to dispatch diplomatic pouches by air
given a Ukrainian law requiring x-ray inspection.

¶2. (SBU) As Acting Chair for the U.S. side, EB A/S Tony
Wayne noted that the Ukrainian law on pouch inspection
was a violation of GOU commitments under the Vienna
Convention, adding that Ukrainian diplomatic pouches
entered and departed the U.S. without hindrance. The
U.S. was able to maintain high security standards and
meet our commitments to the Vienna Convention, and we
expected no less from the GOU. The GOU's compromise to
use sniffing dogs to inspect diplomatic pouches was not
a viable option for the U.S. because of the potential
for false positives that would have nothing to do with
the actual contents of the diplomatic bag. U.S. pouch
bags travel all over the world and were constantly re-
used.

¶3. (SBU) As an interim measure, the U.S. was dispatching
diplomatic pouch shipments overland to Belarus, and then
onward by air from Minsk. Overland shipments were
costly and time consuming for the U.S. Embassy to
maintain. (Note: Given the earlier discussion of the
U.S. views on the current situation in Belarus, this
comment elicited groans of embarrassment from our
Ukrainian counterparts.)

¶4. (SBU) Deputy FM Khandohiy noted that this was a new
issue for him and promised on behalf of the MFA to look
into it. He asked Valeriy Baronov, Deputy Head of the
Ukrainian Aviation Security Service, to provide
additional information. Mr. Baronov noted that the
Aviation Security Service had prepared amendments to
current GOU law that mandated x-ray inspection of
diplomatic pouches. As currently drafted, the
amendments would allow -- on a reciprocal basis --
exemption from screening for those countries that
ensured safety procedures for transit of diplomatic
pouches and couriers. He asserted that the amendments
were being processed now, and he hoped that they would
be approved soon. (Comment: The GOU informed the
Embassy about these legislative amendments in August
¶2005. Their "almost ready" status appears not to have
progressed much, if at all, since then.)

¶5. (SBU) Post Management Counselor noted that the
Department of State had acted quickly to ensure free
passage of diplomatic shipments following 9/11, and we
were looking to the MFA for reciprocal assistance in
Ukraine. This problem was shared by all diplomatic
missions in Kiev, but it was having a significant
operational impact on U.S. Embassy operations.

¶6. (SBU) Khandohiy responded that the MFA would monitor
the situation closely, noting that the amendments to the
law were almost complete and would be examined shortly.
He commented, however, that the parliament was
preoccupied with the March parliamentary elections,
implying that adoption of the new legislation on
diplomatic pouches might have to wait until after the
elections.

¶7. (U) A/S Wayne did not have a chance to clear this
cable.

HERBST